



**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY**

**DECLARATION BY THE INVENTORS**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am an original, first and joint inventor of the subject matter that is described and claimed in letters patent number 5,834,590, granted on November 10, 1998, and for which invention I solicit a reissue patent on the invention entitled INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS, the specification of which as amended by the attached Preliminary Amendment is attached hereto.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**  
(37 C.F.R. section 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment made in Serial No. 09/709,585, filed November 13, 2000.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. section 1.98.

**PRIORITY CLAIM**

I do not claim foreign priority benefits under Title 35, United States Code, section 119 of any foreign application(s) for patent. No such applications have been filed.

**STATEMENT OF INOPERATIVENESS  
OR INVALIDITY OF ORIGINAL PATENT**  
(37 C.F.R. section 1.175)

That I verily believe the original patent to be partly inoperative or invalid by reason of (37 C.F.R. section 1.175(a)(1)):

- \* the patentee claiming more or less than the patentee had a right to claim in the patent.

That the error listed above, which is being corrected, up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the applicant. (37 C.F.R. section 1.175(a)(2).

(Reissue Application Declaration and Power of Attorney--page 1 of 6)

MAR 21 2001

RECEIVED  
TECHNICAL  
DIVISION

## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.



ALTHERR, Robert F.	31,810	MANNAVA, Ashok K.	45,301
BANNER, Donald W.	17,037	McDERMOTT, Peter D.	29,411
BANNER, Mark T.	29,888	McKEE, Christopher L.	32,384
BANNER, Pamela I.	33,644	McKIE, Edward F.	17,335
BICKETT, William W.	18,262	MEDLOCK, Nina L.	29,673
BODNER, Jordan	42,338	MEECE, Timothy C.	38,553
BURROW, Scott A.	42,373	MEEKER, Frederic M.	35,282
CALLAHAN, James V.	20,095	MILLER, Charles L.	43,805
CHANG, Steve S.	42,402	MITRIUS, Janice V.	43,808
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COOPERMAN, Marc S.	34,143	NELSON, Jon O.	24,566
CURTIN, Joseph P.	34,571	NIEGOWSKI, James A.	28,331
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DEMOOR, Laura J.	39,654	PATHAK, Ajay S.	38,266
EVANS, Thomas L.	35,805	PAYNE, Stephen S.	35,316
FEDORCHKO, Gary D.	35,509	PETERSON, Thomas L.	30,969
FISHER, William J.	32,133	POTENZA, Joseph M.	28,175
GLEMBOCKI, Christopher R.	38,800	PRATT, Thomas K.	37,210
HANLON, Brian E.	40,449	RENK, Christopher J.	33,761
HEMMENDINGER, Lisa M.	42,653	RESIS, Robert H.	32,168
HONG, Patricia E.	34,373	RIVARD, Paul M.	43,446
HOSCHEIT, Dale H.	19,090	SCHAD, Steve P.	32,550
IWANICKI, John P.	34,628	SHIFLEY, Charles W.	28,042
JACKSON, Thomas H.	29,808	SKERPON, Joseph M.	29,864
KAGAN, Sarah A.	32,141	STOCKLEY, D. J.	34,257
KATZ, Robert S.	36,402	VAN ES, J. Pieter	37,746
KLEIN, William J.	43,719	WITCOFF, Sheldon W.	17,399
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LINEK, Ernest V.	29,822	WOLFFE, Susan A.	33,568
MALONE, Dale A.	32,155	WRIGHT, Bradley C.	38,061

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

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#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURES BY THE INVENTORS

Full name of sole or first inventor: Aaron I. Vinik

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship: United States

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Full name of second joint inventor: Gary L. Pittenger

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

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Residence: Virginia Beach, VA

Post Office Address: 3701 Prince Andrew Lane  
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Full name of third joint inventor: Ronit Rafaeloff

Inventor's signature \_\_\_\_\_

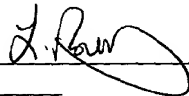
Date \_\_\_\_\_

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Full name of fourth joint inventor: Lawrence Rosenberg

Inventor's signature  \_\_\_\_\_

Date March 16/01

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Full name of fifth joint inventor:

William P. Duguid (Deceased)

Inventor's signature Jean T.S. Duguid.  
Mrs. Jean T.S. Duguid  
Legal Representative

Date 20<sup>th</sup> March, 2001

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**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY  
(BY INVENTOR(S) OR ASSIGNEE)**

**ADDED PAGE**

The claims are totally or partially invalid because claim 3 as issued reads on full length INGAP without having any purity requirements. The claim could have been interpreted to read on natural sources of INGAP.

(Reissue Application Declaration and Power of Attorney--Added page)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of

Aaron I. Vinik et al.

Reissue of U.S. Patent No. 5,834,590

Issued: November 10, 1998

Group Art Unit:

Examiner:

Atty. Dkt. No. 05126.00002

For: INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS

STATEMENT UNDER 37 C.F.R. §3.73

The Honorable Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Sir:

Eastern Virginia Medical School of the Medical College of Hampton Roads and McGill  
University are the owners of undivided interests in the patent named above by virtue of assignments  
recorded at

Reel 7653, frame 0404

Reel 7653, frame 0395

respectively.

The undersigned are authorized to act on behalf of the respective assignees.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

Name:

Title:

Eastern Virginia Medical School of the  
Medical College of Hampton Roads

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

March 16, 2001  
Name: R.D. Brassinga  
Title: Assoc. Director, OTT  
McGill University

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Practitioner's Docket No. 05126.00002

**PATENT**

**ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION**

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Name of Patentee: McGill University

Patent Number: 5,834,590

Date Patent Issued: 11/10/1998

Title of Invention: INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS

I am an assignee owning an undivided interest to the above original patent.

I assent to the accompanying application for reissue.

Attached is a "Statement under 37 C.F.R. section 3.73(b) -- Establishing Right of Assignee to Take Action."

McGill University



Signature of person signing for assignee

Date: March 16, 2001